

SLF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 15 AM 10:06

UNITED STATES OF AMERICA,

Plaintiff,

v.

Guadalupe BERNAL-Lopez

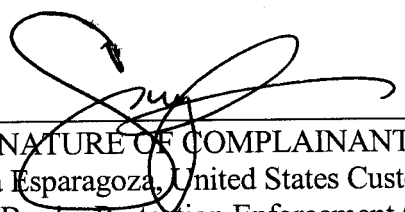
Defendant.

Magistrate Case No. **08 MJ 0437**COMPLAINT FOR VIOLATION OF DUTYTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 13, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Guadalupe BERNAL-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Eufrosina ARZOLA-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF
FEBRUARY 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Eufrosina ARZOLA-Ramirez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 13, 2008, at approximately 2344 hours, **Guadalupe BERNAL-Lopez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the sole visible occupant of a 2001 Chevrolet Silverado. Upon inspection before a U.S. Customs and Border Protection (CBP) officer, Defendant presented a California identification card bearing the name Marcelino Palma, informed the officer he was born in Los Angeles, California, and had nothing to declare. The officer informed Defendant he was not compliant with the Western Hemisphere Travel Initiative (WHTI) and needed to provide proof of United States citizenship. Defendant was referred to secondary for further inspection.

In secondary, Defendant admitted his true name to a CBP officer. When the CBP officer was about to remove Defendant from the vehicle for processing, Defendant told the officer that a person was concealed behind the seat. An inspection of the vehicle revealed a female concealed behind the rear bench seat. The female was removed from the vehicle and determined to be a citizen of Mexico without legal documents to enter the United States. The female was retained as a material witness and is now identified as **Eufrosina ARZOLA-Ramirez (Material Witness)**. Automated Department of Motor Vehicles records indicate the vehicle has been reported stolen. The license plates on the vehicle were manufactured of plaster with cut-out letters and numbers used from valid license plates pasted on to it.

During a videotaped proceeding Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview, Defendant admitted he was to pay \$3,300 U.S. dollars for use of the vehicle and the California identification card. Defendant stated he did not know there was a person concealed in the rear of the vehicle until he heard a noise from that area while he was in secondary inspection. Defendant stated he was instructed to take the vehicle to a Carl's Jr. restaurant located on San Ysidro Boulevard and wait for someone to pick him up. Defendant stated he did not know the vehicle's registered owner and did not know it was reported stolen.

On a videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated family members were going to pay to \$3,700.00 USD to be smuggled into the United States. Material Witness stated that before being apprehended at the border, she heard a voice from inside the vehicle who she believed to be the driver, telling her not to move and stay quiet. Material Witness stated she was going to Washington State to seek employment and reunite with family.